

BC. 152-61

DECLARATORY
~~XXXXXXXXXX~~
Improvement Res. No. 1069-1961

For the Vacation of the alley between
Main Street and Berry Street from the
east property line of Van Buren Street
to a point 215 feet east thereof.

Resolution Adopted:

Nov. 16, 1961

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

November 27, 1961

1069

B. O. 152-'61

DECLARATORY RESOLUTION NO. 1069-1961

For the Vacation of the alley between Main Street
and Berry Street from the east property line of
Van Buren Street to a point 215 feet east thereof.

PLANS ORDERED: Sept. 22, 1961

ADOPTED: Nov. 16, 1961

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVER

HEARING ON CONFIRMATION:

CONFIRMED:

ASSESSMENT ROLL ORDERED: Nov. 16, 1961

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: WAIVED

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: November 27, 1961

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 42 to 46 inclusive and Lots 53 to 57 inclusive, all in Rockill's Amended Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of section Two, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 16 DAY OF November 19 61

Attest:

Secretary Board of Public Works.

Board of Public Works.



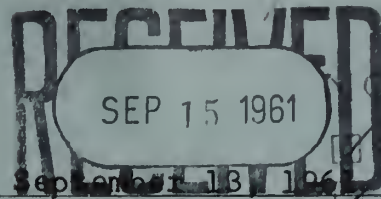
STREET TO BE VACATED



ALLEY TO BE VACATED



P E T I T I O N



NOTED

P.F.R.

J.D.L.

B.W.

Fort Wayne, Ind., September 13, 1961

Date 9/18/61

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate on Lots 42, 43, 44, 45, 46, 53, 54, 55, 56, and 57 of Rockhill's Addition of the City of Fort Wayne, bounded by West Main Street, ~~from~~ Van Buren Street, West Berry Street, ~~to~~ and Broadway Avenue, and that portion of alley vacated by Declaratory Resolution as shown hereafter, respectfully petition for the passage of a resolution providing for the vacation of the following described alley and portion of a street:

Parcel No. 1: All that part of the alley in the City of Fort Wayne, Allen County, Indiana, fourteen (14) feet wide, situate between West Main Street and West Berry Street, extending East from the East line of Van Buren Street a distance of two hundred fifteen (215) feet to the portion of said alley heretofore vacated by Declaratory Resolution No. 237-1912 as shown by Plat Book 7A, at Page 1, in the Recorder's office of said County.

Parcel No. 2: A portion of Market Street (now known as Broadway), as laid out and shown on the corrected and revised plat of Rockhill's Addition, in the City of Fort Wayne, recorded in Deed Record "U", at Page 620, in the Recorder's office of Allen County, Indiana, being a strip of land thirty-five (35) feet wide East and West and three hundred fourteen (314) feet long North and South, situate immediately East of and adjoining Lots numbered forty-six (46) and fifty-three (53) in said addition and East of the vacated alley situate between said Lots.

In support of this petition your petitioners respectfully show the following:

1. Your petitioners are the owners of the entire block as bounded by the above described streets.

2. The St. Joseph Hospital, its convent, chapel, and various service buildings occupy the entire block owned by your petitioners.

3. No other property owners will be affected by the vacation of the afore-described alley and portion of street.

4. Said described alley and portion of street have not been used for street or alley purposes for approximately fifty (50) years and are not being so used at this time.

Attached to this petition will be found a sketch showing the dimensions and location of the alley and portion of street to be vacated.

Respectfully submitted,

THE ANCILLA DOMINI SISTERS,
An Indiana Corporation

By

Henry Hasley
(Henry Hasley) Its Attorney

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the proposed vacation of a alley described as follows, to wit:

The vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof,

which proposed vacation set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1069, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 31st day of October, 1961.

THE ANCILLA DOMINI SISTERS,
An Indiana Corporation

Lots 42 to 46 inclusive and Lots 53
to 57 inclusive, all in Rockhill's
Amended Addition

By Henry Hasley
(Henry Hasley) Its Attorney

City of Fort Wayne



OFFICE OF
CITY PLAN COMMISSION

2

FORT WAYNE 2, INDIANA

October 30, 1961

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office

Dear Mr. Bodeker:

We have reviewed the proposed vacation of the east-west alley between Van Buren Street and Broadway and the 35-foot strip along the west side of Broadway between Main Street and Berry Street and have no particular objection to these vacations for the following reasons:

1. The alley serves no particular purpose from the standpoint of the circulation of traffic.
2. The east 50 feet of the alley is presently vacated causing a dead-end situation which this proposed vacation would eliminate.
3. The west 35 feet of Broadway serves no useful purpose from the standpoint of the circulation of traffic since, for the most part, Broadway is limited to a 66 foot right of way in this general area.

For the above described reasons, it is our recommendation that the alley and portion of street be vacated.

Sincerely,

CITY PLAN COMMISSION

William J. Jones
William J. Jones
Planning Director

WJJ:mo

1069

October 23, 1961

William J. Jones
Planning Director

James T. White
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacations:

The Vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof

The Vacation of the west 35 feet of Broadway from the south property line of Main Street to the north property line of Berry Street

Donald E. Bodeker

Donald E. Bodeker
Office Engineer

DEB:ld
attach.

cc: Mayor Paul M. Burns
Board of Public Works
(Board Order No. 152-1961 and No. 153-1961, respectively)

Indian
General Telephone Company, Indian

We have received a petition for the following:

The Vacation of the alley between Main street and Berry street from the east property line of Van Buren street to a point 915 feet east thereof

The Vacation of the west 30 feet of Broadway from the south property line of Main street to the north property line of Berry street

Please check your easement requirements on the enclosed post card and return it to us as soon as possible.

Very truly yours,

Donald F. Fletcher
Office Engineer

W.D.L.
encl.

cc: Mayor Paul W. Burns
Board of Public Works
(Board Order No. 153-1-61 and No. 153-1-61, respectively)

ENGINEERING
DEPT. OF STREETS

DATE February 9, 1962

NOTED

TO: BOARD OF PUBLIC WORKS

☐ P.F.R.

SUBJECT: Board Order No. 152-1961

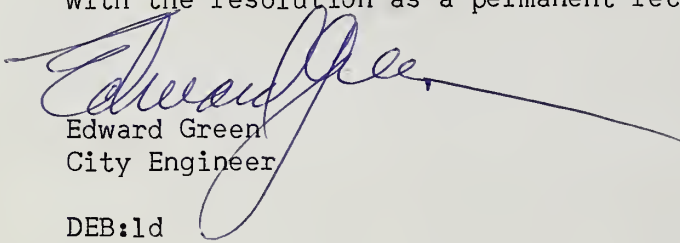
☐ H.N.C.

☐ B.W.

Date

A copy of an easement grant in connection with Declaratory Resolution No. 1069-1961, which provides for the vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof, is attached.

This grant has been signed by the proper officers of St. Joseph Hospital and recorded in the office of the Allen County Recorder. Please file it with the resolution as a permanent record.


Edward Green
City Engineer

DEB:ld
attach.
cc: Mayor Burns

RECEIVED
FEB 9 1962
RECEIVED

GRANT OF EASEMENT FOR UTILITIES PURPOSES

THIS INDENTURE WITNESSETH, that The Ancilla Domini Sisters, an Indiana Corporation, in consideration of One (\$1.00) Dollar, and other good and valuable consideration, the receipt whereof Grantors hereby acknowledge, hereby give, grant and convey, but without warranty, to the City of Fort Wayne, Allen County, in the State of Indiana, an Indiana municipal corporation, its successors and assigns, a perpetual right-of-way and easement to construct, maintain and operate public utility facilities, with all necessary appurtenances over, under, in and along the following described real estate, in Allen County, State of Indiana, to wit:

The following described line being the centerline of a 10 foot permanent utility easement through parts of Lots 42 to 46 inclusive, and the west 35 feet of Broadway, as originally platted, all in Rockhill's Amended Addition to the City of Fort Wayne, Indiana.

Beginning at a point on the west line of said Lot No. 42, said point being located 54 feet south of the northwest corner of said Lot No. 42; thence east on a line parallel to the north line of said Lots 42 to 46 inclusive, a distance of 250 feet; thence in a northeasterly direction a distance of 61.03 feet to a point located 35 feet east of the east line of said Lot No. 46 and 19 feet south of the south line of Main Street projected.

Grantee may at anytime enter upon said premises for the purpose of repairing, maintaining and re-laying of said utility facilities, subject to the following:

1. That the Grantee will replace and/or repair any damages suffered by the Grantors as a result of maintenance of said utility facilities.

1962 JAN 16 AM 9 43

Richard Hartman
ALLEN COUNTY RECORDS

FILED FOR TAXATION

Book 297 Page 357

IN WITNESS WHEREOF, the Undersigned Grantor has executed this instrument by its duly authorized officers this 17 day of November, 1961.

THE ANCILLA DOMINI SISTERS,
An Indiana Corporation

By Mother M. Symphoria
(Mother M. Symphoria)
Its President

ATTEST:

Sister M. Antonita
(Sister M. Antonita)
Its Secretary

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 17 day of November, 1961, personally appeared The Ancilla Domini Sisters, An Indiana Corporation, by Mother M. Symphoria, its President, and Sister M. Antonita, its Secretary, and acknowledged the execution of the above and foregoing Grant of Easement as their voluntary act and deed and as the voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Henry Hasley
(Henry Hasley) NOTARY PUBLIC

My commission expires:

August 1, 1965.

November 27, 1961

Mr. Henry Hasley
507 Strauss Building
Fort Wayne, Indiana

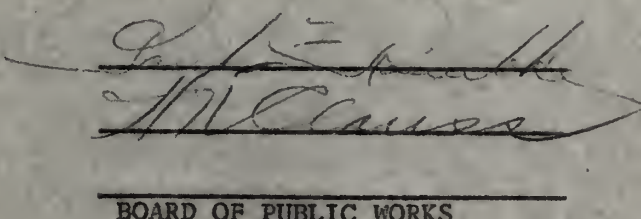
SUBJECT: Declaratory Resolution Nos. 1069-1961 and 1070-1961

Dear Henry:

This has reference to vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof, as per Declaratory Resolution No. 1069-1961; and vacation of the west thirty-five feet of Broadway from the south property line of Main Street to the north property line of Berry Street, as per Declaratory Resolution No. 1070-1961.

Having received a waiver executed by the owner, The Board confirms the assessment roll on the basis of \$1.00 benefit and \$1.00 damage in its regular meeting held today. This will authorize you to proceed with your proposed construction.

Very truly yours,


BOARD OF PUBLIC WORKS

PFR: jc
cc: Mayor Burns

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

43-341-4

Date Nov. 16, 1961

B.O. 152-'61

To City Engineer

Subject Dec. Res. No. 1069-1961

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
H. N. Clauss
Berkeley Ward
BOARD OF PUBLIC WORKS

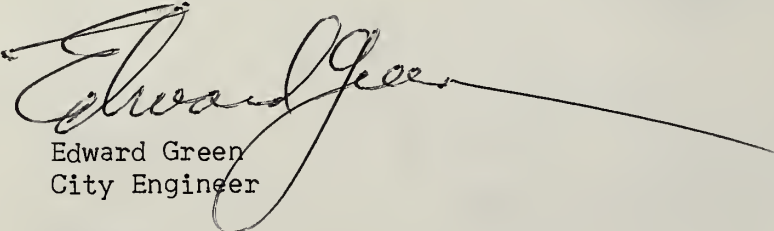
ic
attach Res. & P. O. List
cc: Mayor Burns

Signed _____

Reply:

November 22, 1961

Assessment roll of benefits and damages completed and attached.


Edward Green
City Engineer

DEB;ld
attachs.

NOTED

☒ P.F.R.
☒ H.N.C.
☐ B.W.

43-353-18

Date 11/27/61

okay

RECEIVED
NOV 24 1961

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

43-341-4

Nov. 16, 1961

B.O. 152-'61

City Engineer

Dec. Res. No. 1069-1961

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke

H. H. Clauss

Berkeley Ward

BOARD OF PUBLIC WORKS

ic

attach Res. & P. O. List

cc: Mayor Burns

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

43-262-9

Date Sept. 22, 1961

B. O. 152-'61

To City Engineer

Subject VACATION - alley Main & Berry Sts.

Received a petition for the Vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof.

Prepare an Opinion after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

NOTED
☒ P.F.R.
☒ H.N.C.
☒ B.W.

Signed _____

Reply: **1069**

November 13, 1961


Date 11/14/61

Declaratory Resolution, drawing and property ownership list completed and attached.

The petitioner has agreed to relocate the sewer in this alley at their expense, so an easement grant will not be needed.

Also, it will not be necessary to hold a public hearing on this resolution as we have obtained a signed waiver which is attached.

There is no objection to this vacation from an engineering standpoint.


Edward Green
City Engineer

DEB:ld
attachs.

RECEIVED
NOV 14 1961

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

DECLARATORY

Improvement Resolution No. 1069-1961 For THE VACATION OF THE ALLEY BETWEEN MAIN STREET AND BERRY STREET FROM THE EAST PROPERTY LINE OF VAN BUREN STREET TO A POINT 215 FEET EAST THEREOF

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	ANCILLA DOMINI SISTERS	c/o Henry Hooley 507 Strand Bldg.		42			ROCKHILLS AMD. AOD.
2				43			
3				44			
4				45			
5				46	1/2	VAC. ALLEY	
6				53	1/2	VAC. ALLEY	
7				54			
8				55			
9				56			
10				57			
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
TOTAL							

